

Notice of Allowability	Application No.	Applicant(s)	
	10/076,925	BANISTER, BRIAN C.	
	Examiner	Art Unit	
	Qutub Ghulamali	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 7/20/2006.
2. The allowed claim(s) is/are 1-11 and 14-23.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

1. This Office Action is responsive to the Remarks filed by the applicant on 07/20/2006.

Response to Remarks/Amendments

2. Applicant's remarks/amendments, filed July 20, 2006, have been fully considered, and as a result claims 1-11, 14-23 are now indicated allowable. However, in order to correct for some of minor informalities with the claims 1, 15 and 19, an examiners amendment is considered necessary, so as to advance prosecution in the case. The examiners amendment follows.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Lisa M. Griffith on 8/2/2006.

4. The application has been amended as follows:

IN THE CLAIMS:

Claims 1, 15 and 19, step e), after "returning to the step (a)", the following has been inserted, -- and applying the new weight vector perturbation vector for gradient feedback transmit antenna array adaptation in the communication system --.

Reason For Allowance

5. Claims 1-11 and 14-23 allowed.

The following is an examiner's statement of reasons for allowance:

With reference to base claims 1 and 15, the prior art of record in combination with other claimed limitations neither teaches nor renders obvious a method of applying overlaid perturbation vectors in a communication system comprising:

- i) determining a first index base weight, a first index even weight, a first index odd weight and a first index data weight from a first set of equations,
- ii) waiting for the second time index to increment, wherein incrementing the second-time index indicates a second state, and
- iii) if the feedback indicates that an even channel yielded better results, then determining a second index base weight, a second index even weight, a second index odd weight and a second index data weight from a second set of equations, else determining the second index base weight, the second index even weight, the second index odd weight and the second index data weight from a third set of equations; and
- e) returning to step (a) and applying the new weight vector perturbation vector for gradient feedback transmit antenna array adaptation in the communication system.

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Such limitations as recited in independent claims 1, 15 and 19, are neither anticipated nor rendered obvious by the prior art made of record.

Claims 2-11, 14-18 and 20-23 are allowed by virtue of their dependency to base claims highlighted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QG.

September 19, 2006.

M. G.
MOHAMMED GHAYUR
SUPERVISORY PATENT EXAMINER